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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

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In the Matter of)	
)	
Amendment of the Commission's)	PR Docket No. 92-257
Rules Concerning Maritime)	
Communications)	

To: The Commission

UTC COMMENTS IN SUPPORT OF
PETITION FOR RECONSIDERATION

UTC hereby submits its comments in response to the Petition for Reconsideration (Petition) filed by the Industrial Telecommunications Association (ITA) on August 9, 1995. UTC support's ITA's Petition urging the Federal Communications Commission (FCC or Commission) to modify the height restrictions on Industrial/Land Transportation (I/LT) base and mobile station operations on marine channels. UTC agrees with ITA that the current restrictions will effectively prohibit the sharing of marine channels in areas having extreme variations in terrain.

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UTC is the national representative on communications matters for the nation's electric, gas, water and steam utilities, and natural gas pipelines. Approximately 2,000 such entities are members of UTC, ranging in size from large combination electric-gas-water utilities which serve millions of customers, to smaller, rural electric cooperatives and water districts which serve only a few thousand customers each. All utilities depend upon reliable and secure communications to assist them in carrying out their obligations to provide service to the public. As operators of private land mobile radio frequencies in the Industrial Radio Services, UTC members are concerned by the effect that the HAAT restrictions will have on the efficient sharing of marine channels by I/LT eligibles.

UTC has been involved in this proceeding since its inception. UTC filed comments on the original Petition for Rule Making filed in 1992 by the Council of Independent Communications Suppliers, as well as comments and reply comments on the FCC's Notice of Proposed Rule Making.¹ UTC's comments supported the

¹ Notice of Proposed Rule Making, PR Docket No. 92-257, 7 FCC Rcd 7863 (released November 30, 1993).

sharing of the marine channels by I/LT eligibles. UTC is generally pleased with the First Report and Order² in this proceeding because it promotes the efficient use of the spectrum. For the same reason, UTC supports ITA's Petition.

ITA's Petition urges the FCC to adopt changes to Sections 90.283(c) and (d) of the FCC's Rules. Section 90.283(c), as adopted by the FCC in its First Report and Order, limits the authorized height of base stations operating on the marine channels to 400 feet above average terrain (AAT) and mobile stations to 15 feet AAT. Section 90.283(d) specifies the separation distances between I/LT and marine operations based on ERP and HAAT.

As ITA notes, the reliance on height above average terrain (HAAT) as a factor in determining whether to permit I/LT sharing of marine channels will prevent the sharing of channels in areas having extreme variations in terrain.³ As an example, ITA points

² First Report and Order, PR Docket No. 92-257, 10 FCC Rcd 5725 (released May 25, 1995).

³ ITA Petition at p. 3.

to the variations in the terrain in certain areas of Colorado where the HAAT exceeds the limits found in Section 90.283(c) even before the height of the base or mobile station structure or antenna is considered. UTC agrees and notes that the practical effect of this will be to frustrate the FCC's goal of increasing spectrum efficiency.

UTC supports ITA's proposed modifications to the FCC rules to permit more efficient use of marine channels by I/LT eligibles:

(a) Mobile antennae. UTC agrees that there need be no restrictions on the height of mobile station antennae. Operational constraints will serve to confine the height of these antennae to reasonable levels. Alternatively, if the FCC determines that a maximum height restriction is necessary for mobile antennae, the FCC should specify this height in terms of the overall ground-to-tip height of the antennae.

(b) Base stations. UTC agrees with ITA's suggestion that the FCC modify its rules to express antenna height in terms of the ground-to-tip height of the base station tower and antenna structure, rather than in terms of HAAT.

Alternatively, if HAAT is retained, the FCC must adjust the HAAT limits to permit operations in areas having extreme variations in terrain.

The changes outlined above are necessary to permit the use of the marine channels by I/LT eligibles in certain areas of the country. Additionally, these changes will better effectuate the FCC's goal of promoting efficient use of the spectrum.

WHEREFORE, THE PREMISES CONSIDERED, UTC requests the Federal Communications Commission to take action in accordance with the views expressed in these comments.

Respectfully submitted,

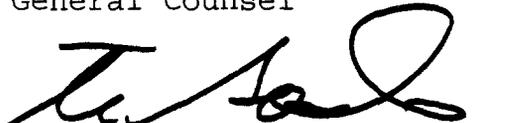
UTC

By:



Jeffrey L. Sheldon
General Counsel

By:



Thomas E. Goode
Staff Attorney

UTC

1140 Connecticut Avenue, N.W.
Suite 1140
Washington, D.C. 20036

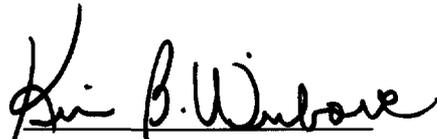
(202) 872-0030

Dated: September 8, 1995

CERTIFICATE OF SERVICE

I, Kim Winborne, a secretary with the UTC, hereby certify that I have caused to be sent, this 8th day of September, 1995, by first class mail, postage prepaid, copies of the foregoing to the following:

André F. Côté
Frederick J. Day
Industrial Telecommunications Association, Inc.
1100 N. Glebe Road, Suite 500
Arlington, VA 22201


Kim Winborne
Kim Winborne